

REMARKS

In response to the Office Action dated April 25, 2005, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-12 are pending in the present Application. Claims 1 and 12 are amended leaving Claims 1-12 for consideration upon entry of the present amendments and following remarks.

Support for the claim amendments can at least be found in the specification, the figures, and the claims as originally filed.

No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claim Objections

Claim 12 is objected to because of informalities. Particularly, in lines 1 and 2 of Claim 12, the phrase "a identification" should be "an identification." Applicant respectfully thanks the Examiner for providing suggested language. Claim 12 is amended to replace "a identification" and more clearly set forth the invention. Support for the amendment is at least found on page 6, lines 11-16 of the Specification. Reconsideration and withdrawal of the relevant objections is respectfully requested.

Claim Rejections – 35 U.S.C. §112

Claims 1-12 are rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant hereinabove amend Claim 1 to more clearly set forth the invention. Particularly, referring to communications link, steps a), b) and c) are carried out under utilization a supraregional communications link and steps d) and e) are carried out under utilization of a

local-area communications link. Regarding who is performing the steps in Claim 1, that steps a) and b) are performed by the user, that steps c) and d) are performed by the offeror and that step e) is performed automatically by the system.

Step a) was amended to replace "a specification is carried out" with "selects." Support for the amendment is at least found at page 2, line 17.

Step b) was amended to include the limitation that the identification code is exclusively assigned to the user. Support for the amendment is at least found at page 4, line 27.

Regarding "a close up range of the identification verification system," "close-up range" is similar to the meaning of the term "local area" described at page 5, lines 10-24 of the Specification. Applicant respectfully submits that "close up" is clearly described in the Specification

In Claim 2, it is unclear what is meant by a "mobile network system," specifically whether it is the system that is mobile. Wireless *mobile* phone networks and *mobile* communications transmitter are included in the Specification at page 2, line 26 through page 3, line 4. Clearly, the system is not mobile. An example of a "mobile network system" may include wireless mobile phone networks," as mentioned above. Applicant respectfully submits that "mobile network system" is clearly described in the Specification.

In Claim 8, it is unclear as to who releases what. Claim 8 clearly recites that "the identification code...is released by selective activation." Applicant respectfully submits that Claim 8 is clear and definite.

Finally, Claim 12 is contended to be unclear. As discussed above, Applicant herein amends Claim 12 to clarify that the identification code of the method and information related to the use of the method are used to automatically generate an accounting statement.

Applicant respectfully submits that Claims 1-12 satisfy the provisions of 35 USC §112, second paragraph. Reconsideration and withdrawal of the relevant rejection of Claims 1-12 is thus respectfully requested.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 1-12 are rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent Number 6,568,595 to Russell et al. (hereinafter "Russell"). Applicant respectfully disagrees.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Russell discloses an e-commerce enabling method and system, where an e-commerce enabling Java-Applet is embedded within an HTML-encoded document stored in an HTTP-server at a predetermined URL. (See, Abstract.) A code symbol encoded with the URL is read and as a result, the corresponding HTTP-document is automatically accessed and displayed at the terminal. (*Id.*)

Firstly, it is contended in the Office Action that "selecting a provider's product" is inherent in Russell in that the patent is directed toward selling products over the Internet. (See, Office Action, page 5.) As described in the Abstract, Russell merely allows a consumer to "simply and conveniently conduct electronic commerce over the internet." (See, Abstract.) Although the Examiner appears to consider "selecting a provider's product" to be inherent in Russell, no evidence or reasons are stated. Russell does not disclose "the user selects an offer of an offeror" as recited in a) of amended Claim 1.

Secondly, it is broadly contended in the Office Action that Russell teaches "the user transmits an identification code" by Claim 1. Applicant assumes that the "predetermined URL" that specifies a *location on the Internet* of an *HTML-encoded document* is being considered equivalent to the "identification code" of the claimed invention. (See, Claim 1.) That is, the URL of Russell is not related to the user. Thus, Russell does not disclose "the user transmits an identification code, which is exclusively assigned to the user" as recited in b) of amended Claim 1.

Thirdly, Russell does not disclose "the offeror makes a reservation, wherein the identification code is stored and provides reservation and identification information to an identification verification system" as recited in c) of amended Claim 1. The URL in Russell is only used to identify a specific web-address and not to identify a specific user or a specific user's request as discussed above.

Fourthly, it is conceded in the Office Action that Russell does not specifically mention a "non-contact, identification system," but it would have been obvious to one of ordinary skill in the art to modify the system as disclosed by Russell by using a wireless internet hook-up to ease connection to the Internet. Russell does not contain any suggestion or incentive that would have motivated the skilled artisan to modify Russell as suggested by the Examiner. A wireless Internet hookup is vastly different from the "local-area communications link" as applied to d) of amended Claim 1.

Furthermore, Russell does not disclose "a non-contact identification verification is carried out when the user enters within a close-up range of the identification verification system" as recited in d) of amended Claim 1.

Fifthly, Russell is silent as to disclosing any type of verification of the URL. To the contrary, the scanned URL-encoded symbol is *automatically* decoded, symbol character data is *automatically* produced and provided to the Internet browser and the browser *automatically* accesses the HTML document. (Claim 1, Col. 25, line 66 through Col. 26, line 10.) That is, there is no verification process described for the URL. Thus, Russell does not disclose a grant of access to the user is carried out upon a positive identification verification" as recited in e) of amended Claim 1.

Finally, Russell does not disclose the limitations of "a), b) and c) being carried out under utilization of a supraregional communications link and steps d) and e) carried out under utilization of a local-area communications link" as recited in amended Claim 1.

Regarding Claim 11, it is contended in the Office Action that the method "could be used for purchasing a parking space." (See, Office Action, page 6.) Russell does not contain any suggestion or incentive that would have motivated the skilled artisan to modify Russell as suggested by the Examiner.

Regarding Claim 12, as discussed above, the identification code, as claimed, is not disclosed by Russell. Thus, Russell necessarily at least does not disclose "an accounting

statement is automatically generated, wherein the identification code and information related to the use of the method are used" as recited in amended Claim 12.

Moreover, the present invention and Russell concern completely different fields of technology. Russell relates to e-commerce over the Internet, whereas the claimed invention relates to availability-checking, reservation and allocation processes under utilization of supraregional and local-area communications links. A person skilled in the art would not look to the Internet specific invention of Russell to apply to a supraregional and local-area communications links. Therefore, there exists further evidence that there is no suggestion or motivation to modify Russell to teach the claimed invention.

The use of the supraregional communications link on one hand and the local-area communications link on the other hand allows the user to access localized products and/or services virtually from anywhere in the area (page 3, 1st paragraph of the Specification). This means that can select an offer and transmit a user specific identification code worldwide, as well as the offeror can make a reservation and provide reservation and identification code information to any local identification verification system. The use of the supraregional communications link is the base for the unlimited performance of the method according to the invention.

There is no disclosure in Russell that would teach or suggest the claimed invention as described above.

Thus, Russell, does not disclose *all of the limitations* of at least Claim 11 and amended Claims 1 and 12. Accordingly, *prima facie* obviousness does not exist regarding Claim 11 and Claims 1 and 12 as amended with respect to Russell.

Additionally, since Russell fails to teach or suggest all of the limitations of Claim 11 and Claims 1 and 12 as amended, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify the reference, nor a reasonable likelihood of success in forming the claimed invention by the Examiner's modifying the reference. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Thus, the requirements of *prime facie* obviousness do not exist regarding at least Claim 11 and Claims 1 and 12 as amended. Claim 1 is not further rejected or objected to, and Applicant respectfully submits that claim 1 is allowable to Applicant. Claims 2-10 variously

depend from Claim 1. As discussed above, independent Claim 1, as amended, is allowable. Therefore, Claims 2-10 are correspondingly allowable as depending upon allowable Claim 1. Reconsideration and entry of the amendments, and withdrawal of the relevant rejection is respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued.

If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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